

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 ROBERT JACKSON,

5 Plaintiff,

6 v.

7 DIEGO GRIMALDO,

8 Defendant.

Case No. 2:16-cv-01878-APG-GWF

**ORDER ACCEPTING REPORT AND
RECOMMENDATION AND
DISMISSING CASE**

(ECF No. 3)

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10 On October 17, 2017, Magistrate Judge Foley recommended I dismiss with prejudice
11 plaintiff Robert Jackson's claims against the John Doe U.S. Attorney defendant because that
12 defendant would be entitled to prosecutorial immunity. ECF No. 3. Magistrate Judge Foley also
13 recommended I dismiss without prejudice Jackson's claims against defendant Diego Grimaldo
14 because it was unclear from the complaint whether Jackson's claims were barred under *Heck v.*
15 *Humphrey*, 512 U.S. 477, 480 (1994). *Id.* Jackson filed a response in which he disputed some of
16 the Magistrate Judge's ruling, but Jackson nevertheless requests to voluntarily dismiss his claims
17 without prejudice. ECF No. 4.

18 I conducted a de novo review. 28 U.S.C. § 636(b)(1). Judge Foley sets forth the proper
19 legal analysis and factual basis for the decision.

20 IT IS THEREFORE ORDERED that Magistrate Judge Foley's report and
21 recommendation (**ECF No. 3**) is **accepted**. Plaintiff Robert Jackson's claims against defendant
22 John Doe U.S. Attorney are dismissed with prejudice. Jackson's claims against defendant Diego
23 Grimaldo are dismissed without prejudice. The clerk of court is instructed to close this case.

24 DATED this 29th day of November, 2017.

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26 
27 ANDREW P. GORDON
28 UNITED STATES DISTRICT JUDGE